

REMARKS

At the outset, applicants thank Examiner Mahafkey for her time and consideration of the present application during the telephone conversation with the undersigned.

Claims 1-2, 4-15, and 17-18 are pending in the application. Independent claims 1, 17, and 18 are pending in the application. Independent claims 1, 17, and 18 recite that the heated rotatable screw comprises a heating power sufficient to supply calories necessary to elevate the temperature of the organic material. This subject matter was previously recited in claims 3 and 16. Support for this recitation may also be found in the present specification at page 9, lines 19-26. In addition, independent claim 17 recites that the organic material is heated to a temperature of 300 to 380°C. Support for this recitation may be found at page 14, lines 15-22. Claims 3 and 16 have been canceled.

Claims 1-16 were rejected under 35 USC 103(a) as allegedly being unpatentable over UNDERWOOD et al. in view of WEISSMAN and WISTREICH et al. This rejection is traversed.

None of the cited publications, alone or in combination with each other, disclose or suggest a heated rotatable screw as recited in the claimed invention. In view of the different devices used by UNDERWOOD, WISTREICH, and WEISSMAN, it is believed that one skilled in the art would lack the motivation to combine and modify the teachings. Furthermore, both UNDERWOOD

and WISTREICH fail to disclose or suggest a rotatable screw. While the smoke generating device of WEISSMAN makes use of a screw, WEISSMAN makes it clear that one of the primary features of the WEISSMAN invention is that the electrical resistance elements for heating the trough are located on that side only of the trough toward which the wood chips tend to be shifted by the rotating screw (column 1, lines 17-26). WEISSMAN neither discloses nor suggests utilizing a method wherein the screw itself heats the organic material. Thus, even if one were to combine and modify the teachings of UNDERWOOD, WISTREICH, and WEISSMAN, one skilled in the art would still not obtain the claimed invention.

Furthermore, applicants believe that none of the publication disclose or suggest heating the organic material to 300°C to 380°C (e.g., see claim 17). UNDERWOOD and WISTREICH teach processes that are carried out in a range of above 400°C to 750°C. WEISSMAN is entirely silent as to what temperature the wood chips should be heated to in the WEISSMAN smoke generator.

In view of the above, applicants respectfully submit that none of the publications, alone or in combination with each other, disclose or suggest the claimed invention.

Claims 1-16 were provisionally rejected under the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 17-34 of co-pending

application No. 10/612,972 in view of WEISSMAN. This rejection is respectfully traversed.

As noted above, WEISSMAN teaches that it is a primary feature of the WEISSMAN invention that the electrical resistance elements for heating the trough are located on that side only of the trough to which the wood chips tend to be shifted by the rotating screw. As WEISSMAN fails to teach a heated rotatable screw recited in the claimed invention and the claims of co-pending application No. 10/612,972 are silent as to this feature, applicants respectfully submit that the combination does not disclose or suggest the claimed invention.

Accordingly, applicants respectfully request that the rejection be withdrawn.

In view of the present amendment and foregoing Remarks, therefore, applicants believe that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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